



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,100	03/26/2001	Rabindranath Dutta	AUS920010152US1	7732
7590	11/15/2004		EXAMINER	
Robert V. Wilder Attorney at Law 4235 Kingsburg Drive Round Rock, TX 78681			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/817,100	DUTTA ET AL.
	Examiner Matthew s Gart	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Statyus

- 1) Responsive to communication(s) filed on 26 July 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

In view of the Appeal Brief filed on 7/26/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claims 1-25 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-15 and 17-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams Patent Application Publication US 2002/0032612.

Referring to claim 1. Williams discloses a method for processing a return of an item purchased from a selling merchant by a remote customer, said method comprising:

- Receiving an order for said item from said customer, said order including customer-related information (Williams: paragraph 0026, "In the Merchant's online store, a customer makes a purchase, which is subsequently shipped to the customer (the "Consumer"). The Consumer if dissatisfied with the ordered item, wants to return it. To do so, the Consumer returns to the Merchant's online store, accesses the Consumer's order history for that Merchant, and arranges to return the item or items from the Merchant's online store.");

- Storing said customer-related information in a storage device (Williams: paragraph 0242 through paragraph 0245);
- Sending said item to said customer by said selling merchant (Williams: paragraph 0026);
- Receiving a return communication from said customer requesting a return of said item to aid selling merchant (Williams: paragraph 0242: "In the illustrative FIGURES described below, the Consumer has entered the Merchant's Online Store, and has entered, for example, the Return Merchandise page. With the Return Merchandise page, the Merchant's Online Store provides appropriate Submenu selections 381 that allow the Consumer to view the Consumer's Order History and access the Consumer Returns Subsystem to return merchandise.");
- Retrieving said customer-related information from said storage device (Williams: paragraph 0242 through paragraph 0245); and
- Sending a shipping communication including portions of said customer-related information to said customer (Williams: paragraph 0253 and Fig. 27a), said shipping communication identifying a receiving entity other than said selling merchant to whom said item is to be returned (Williams: paragraph 0024, "The System provides for the return of items to different locations, including the online store's main warehouse, to secondary facilities, or to sibling retail locations.").

Referring to claim 2. Williams further discloses a method including receiving a return receipt notice from said receiving entity when said item has been received by said receiving entity (Williams: Fig. 46).

Referring to claim 3. Williams further disclose a method including charging a designated customer account after receiving said order (Williams: paragraph 0530 through paragraph 0532).

Referring to claim 4. Williams further discloses a method including crediting said customer account after receiving said return receipt notice from said receiving entity (Williams: paragraph 0530 through paragraph 0532).

Referring to claim 5. Williams further discloses a method including sending notice of said crediting to said customer (Williams: paragraph 0530 through paragraph 0532).

Referring to claim 7. Williams further discloses a database for storing information concerning said customer, said item and said receiver, said database being updated upon receipt of an order, a return request or a return receipt notice (Williams: Fig. 46).

Referring to claims 8-10. Williams further discloses a method wherein:

- Said receiving of said return request and said sending of said shipping communication are accomplished by email communication (Williams: paragraph 0129 and paragraph 0353);
- Said return receipt notice is accomplished by email (Williams: paragraph 0129 and paragraph 0353); and

- Said notice of said crediting is accomplished by email (Williams: paragraph 0129 and paragraph 0353).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams Patent Application Publication US 2002/0032612 in view of Siegel Patent Application Publication US 2001/0032147.

Referring to claim 6. Williams discloses a method according to claim 1 as indicated supra. Williams does not expressly disclose a method including effecting an auction of said item following said receiving of said return communication from said customer, said receiving entity being a winner of said auction. Siegel discloses a method including effecting an auction of said item following said receiving of said return communication from said customer, said receiver being a winner of said auction (Siegel: paragraph 0009).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Williams to have included the teachings of Siegel as discussed above because upon returning unwanted purchases consumers generally expect to immediately receive cash or credit for their returns (Siegel: paragraph 003).

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 6.

Response to Argument

Appellant's arguments are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
October 14, 2004



MARVIN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600